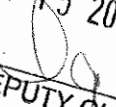


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Ricky Miller QH7734 :
Plaintiff, : Civil No. 3:21-CV-1941/JFS
v. :
George Little, Secretary of the : COMPLAINT AND DEMAND FOR
Department of Corrections, sued in: JURY TRIAL
in Official & Individual Capacity;;
and, John/Jane Doe Mailroom :
Employee at S.C.I. Camp Hill, sued :
in Official & Individual Capacity :
Defendant(s):.

FILED
WILLIAMSPORT
NOV 15 2021
PER 
DEPUTY CLERK

I. NATURE OF COMPLAINT

Ricky Miller ("Plaintiff"), a state prisoner, brings this Civil R Rights Action for damages and declaratory relief under 42 U.S.C. section 1983. The District Court has jurisdiction under 28 U.S.C. section 1331. While incarcerated, prison officials rejected incoming legal mail, addressed to Plaintiff, without notifying him of the rejected legal mail, depriving Plaintiff of his liberty interest in communicating by mail, a violation of due process rights guaranteed to him under the 14th Amendment of the United States Constitution. See *Procunier v. Martinez*, 416 U.S. 396 (1974); *Steven David Vogt v. John E. Wetzel*, D.C. No. 2-17-cv-01407, 3rd Circuit No. 18-2622 (August 09, 2021).

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Miller, Ricky QH7734
SCI-Rockview
Box A, 1 Rockview Place
Bellefonte, PA 16823 (Center County)
Convicted and State sentenced prisoner.

B. DEFENDANT(S)

George Little
Secretary of Pennsylvania Department of Corrections
PA Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050 (Center County)

John/Jane Doe
Mailroom Supervisor/Employee
PA Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050 (Center County)

III. STATEMENT OF FACTS

A. Describe where and when the events giving rise to your claim(s) arose.

Answer: PADOCC rejected Plaintiffs incoming legal mail, without notification to Plaintiff, between June-July, 2021.

B. On what date did the events giving rise to your claim(s) occur? The rejected legal mail, without notification to Plaintiff, occurred between June 2021- July 2021, on at least three separate occasions. See attached Initial Review Response, dated 07/29/2021.

C. Facts underlying claim(s)

1. Plaintiff, filed a small claims complaint seeking compensation for work credits he earned, while incarcerated in NJDOC, dated March 22, 2021.

2. Plaintiff was transferred to PADOCC in or around May 4, 2021.

3. While housed at SCI-Camp Hill, PADOCC received legal mail, from the State of New Jersey, addressed to Plaintiff, in or around 6/25/21, 7/02/21 and 7/07/21, the mailing were rejected and Plaintiff was not notified of the rejected legal mailing. See attached Initial Review Response.

4. A video conference concerning the small claim's complaint, was held on 7/13/21, wherein, Plaintiff, learned that one of the rejected legal mailings, contained a motion to dismiss the small claims complaint, sent by New Jersey Attorney General. Plaintiff Plaintiff was precluded from filing a response, due to actions of PADOCC employees.

5. The Court dismissed the small claims complaint with prejudice.

6. Plaintiff filed a grievance, concerning the rejected legal mail receiving an Initial Review Response, stating: "Policy does not dictate that the Mailroom notify you when mail in (is) rejected and returned to sender. No evidence of wrongdoing has been identified." See attached Initial Review Response.

7. Plaintiff filed a final appeal, receiving a final appeal decision stating: "No evidence of wrongdoing was identified. Therefore, your appeal and requested relief are denied."

8. The original grievance, filed by Plaintiff, states: "My Grievance is that PADOCC must deliver legal mail to inmates or inform inmate as to why legal mail is not delivered."

IV. LEGAL CLAIM(S)

CLAIM ONE

Defendant(s) rejected Plaintiff's legal mail without notifying him causing a violation of a liberty interest to communication by mail, in violation of due process rights, guaranteed to Plaintiff, under the fourteenth Amendment of the United States Constitution.

9. John/Jane Doe(s), mailroom employee(s) at SCI-Camp Hill, rejected Plaintiff's legal mail without notifying him of the rejection. Defendant(s) have a duty to notify prisoners, including Plaintiff that legal mail, addressed to the same, has been rejected.

10. Where John/Jane Doe(s), Defendant(s), mailroom employee(s) at SCI-Camp Hill, failed to notify Plaintiff of the legal mailing's sent to him, from the State of New Jersey, these actions deprived Plaintiff of submitting a reply to Attorney Generals' motion to dismiss small claims complaint; leading to a dismissal of complaint with prejudice.

11. George Little, Defendant, as Secretary of PADOE is policy maker or official responsible for policies or procedures utilized by employee(s) of PADOE, including mailroom employees at SCI-Camp Hill.

12. The policy or procedures of not notifying Prisoners, including Plaintiff, of rejection of legal mail, created an unreasonable risk of a constitutional violation; Defendant Little is aware or should be aware that the policy created an unreasonable risk; Defendant Little is indifferent to the risk; and, the constitutional injury was caused by the failure to implement the appropriate supervisory practice or procedure of notifying Plaintiff of rejected legal mail.

V. INJURY

Plaintiff suffered a loss of liberty interest to communication by mail, a constitutional violation of due process; and, he was precluded from filing a response to the Attorney General's motion to dismiss complaint, Court entered a dismissal of his small claims complaint with prejudice.

VI. RELIEF

WHEREFORE, Plaintiff respectfully pray this Court enter judgment:

- A. Granting Plaintiff a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States; and
- B. Granting Plaintiff compensatory damages against each defendant jointly and severally; and,
- C. Granting Plaintiff punitive damages against each defendant jointly and severally; and,
- D. Plaintiff also seeks a jury trial on all issues triable by a jury; and,
- E. Plaintiff also seeks recovery of his costs in this suit, and Any additional relief this Court deems just, proper, and equitable.

Dated: October 29, 2021

Respectfully submitted,

Ricky Miller
Ricky Miller QH7734
SCI-Rockview
Box A, 1 Rockview Place
Bellefonte, PA 16823

VII. VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, to the best of my knowledge and belief. I certify under penalty of perjury that the foregoing is true and correct. Executed on this 29th day of Cocober, 2021.

BY: *Ricky Miller*
Ricky Miller QH7734
Plaintiff

